



Material No. 10/008430

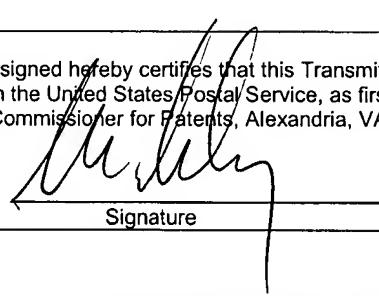
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ogle, et al. Examiner: Leon B. Lankford, Jr.
Serial No.: 10/008430 Group Art Unit: 1651
Filed: November 13, 2001 Docket No.: 01610.0039-US-01
Title: MEDICAL DEVICES THAT STIMULATE GROWTH FACTOR
PRODUCTION

CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450 on January 5, 2003.

Michael B. Lasky
Name



Signature

REQUEST FOR EXAMINER TO INITIAL REFERENCES ON FORM 1449

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In the Office Action dated October 3, 2003, the Examiner returned copies of Applicants' Information Disclosure Statement filed September 13, 2002. However, a Supplemental Information Disclosure Statement and Form 1449 citing eight references was filed on March 19, 2003. Applicants have not received notification that these documents have been considered. The absence of an initialed PTO Form 1449 is believed to be an oversight as this material was submitted in a conforming manner and was not mentioned in the Examiner's Detailed Action as not being in conformance and not having been considered. The Examiner respectfully is requested to initial the Form 1449 in the space provided to indicate these documents have been considered.

Copies of the relevant sheets of the Supplemental Information Disclosure Statement in question and the return post card having a Patent and Trademark Office date stamp of March 24, 2003 are enclosed to avoid any confusion. Copies of the references are not enclosed. However, if the Examiner deems it necessary, copies of the cited prior art will be resubmitted.

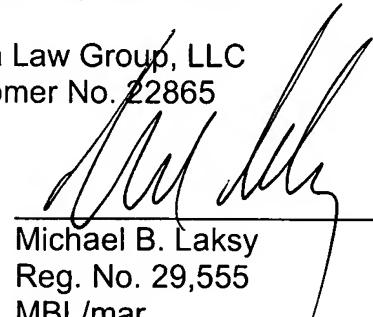
The Examiner respectfully is requested to telephone the undersigned if there is any question about the Request.

Respectfully submitted,

Altera Law Group, LLC
Customer No. 22865

Date: January 5, 2003

By:


Michael B. Laksy
Reg. No. 29,555
MBL/mar



INFORMATION DISCLOSURE STATEMENT PTO Form 1449	Docket Number 01610.0039-US-01	Serial Number 10/008430
	Applicant(s) Ogle, et al.	
	Filing Date 11/13/2001	Group Art Unit 3763

U.S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

OTHER DOCUMENTS

		Michiels, et al., "Endothelial cell responses to hypoxia: initiation of a cascade of cellular interactions", <i>Biochimica et Biophysica Acta</i> , Vol. 1497, No. 1, pp. 1-10 (June 2, 2000).
		Ozaka, et al., "Hypoxia Inducible Factor-1 α Is Increased in Ischemic Retina: Temporal and Spatial Correlation with VEGF Expression", <i>Investigative Ophthalmology and Visual Science</i> , Vol. 40, No. 1, pp. 182-188 (January 1999).

Examiner: _____ Date Considered: _____



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ogle, et al.

Examiner: Unknown

Serial No.: 10/008430

Group Art Unit: 3763

Filed: November 13, 2001

Docket No.: 01610.0039-US-01

Title: MEDICAL DEVICES THAT STIMULATE GROWTH FACTOR PRODUCTION

CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on March 19, 2003.

Hallie A. Finucane

Name

Signature

Assistant Commissioner for Patents
Washington, D.C. 20231

- Supplemental Information Disclosure Statement, Form 1449, copies of eight (8) references, Copy of European Search Report
- Transmittal Sheet
- Return postcard

Authorization is hereby given to charge any additional fees or credit any overpayments that may be deemed necessary to Deposit Account Number 50-1038.

Respectfully submitted,

Altera Law Group, LLC



Date: March 19, 2003

By:

Hallie A. Finucane
Reg. No. 33,172
HAF/mar



JAN 07 2004

PATENT TRADEMARK OFFICE

Serial No. 10/008430

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ogle, et al. Examiner: Unknown
Serial No.: 10/008430 Group Art Unit: 3763
Filed: November 13, 2001 Docket No.: 01610.0039-US-01
Title: MEDICAL DEVICES THAT STIMULATE GROWTH FACTOR PRODUCTION

CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this document is being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on March 19, 2003.

Hallie A. Finucane
Name

Hallie A. Finucane
Signature

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER
37 C.F.R. §1.97(c)

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Applicant(s) respectfully submit(s) the items of information on the enclosed Form 1449 for the attention of the Examiner in the above-identified application.

The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 C.F.R. 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 C.F.R. 1.113, a Notice of Allowance under 37 C.F.R. 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by the following:

Statement Under 37 C.F.R. 1.97(e)(1)

Each item of information contained in the accompanying Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of

the Information Disclosure Statement. Enclosed is a copy of the European Search Report for placement in the file.

Statement Under 37 C.F.R. 1.97(e)(2)

No item of information contained in the accompanying Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned person, after making reasonable inquiry, no item of information contained in the accompanying Information Disclosure Statement was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

The fee in the amount of \$ _____ as set forth in 37 C.F.R. 1.17(p).

A copy of each document or other information listed on the enclosed Form 1440 is enclosed in accordance with 37 C.F.R. §1.98(a)(2) and/or a copy of each document is not provided because it was previously cited by or submitted to the U.S. Patent and Trademark Office in a parent application in accordance with 37 C.F.R. §1.98(d). Applicants note reference U.S. Patent Number 6,124,131 was previously cited to the Examiner in an Information Disclosure Statement filed September 13, 2002.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§102 and 103. In addition, Applicant(s) do(es) not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended, and reserve the right to establish otherwise under 37 C.F.R. §1.131 or others.

Consideration of the items listed is respectfully requested. According to M.P.E.P. §609, Applicant(s) request(s) that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Authorization is hereby given to charge any additional fees or credit any overpayments that may be deemed necessary to Deposit Account Number 50-1038.

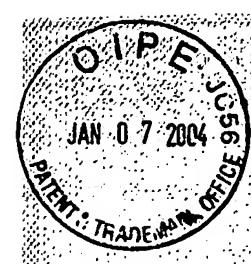
Respectfully submitted,

Altera Law Group, LLC



Date: March 19, 2003

By: Hallie A. Finucane
Hallie A. Finucane
Reg. No. 33,172
HAF/mar



Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office

Date of Deposit: March 19, 2003

Applicant: Ogle, et al.

Title: MEDICAL DEVICES THAT STIMULATE GROWTH FACTOR PRODUCTION

Serial Number: 10/008430

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- Supplemental Information Disclosure Statement, Form 1449,
copies of eight (8) references, Copy of European Search
Report
- Transmittal Sheet
- Return postcard



HAF/mar